

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see REMARKS, filed on December 28, 2009, with respect to claims 1-17 have been fully considered and are persuasive. The previous Office Action of Case #10/570,653 has been withdrawn.

### ***Response to Amendment***

2. Applicant's Amendments filed on June 3, 2009 have been respectfully acknowledged. It is confirmed that amended claims 1-3, 8, 11, 13, 16, and added claim 17 not introduce any new matter. Claims 1-17 are pending for examination.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes

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and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Reheja on March 29, 2010.

The application has been amended as follows:

**Claim 1, line 11:** "result." has been replaced with --result, wherein a plurality of regions are set in a range of possible variation of said prescribed state value; said part configured for setting sets said target value for each of said regions; and said control part compares said frequency distribution with said target value, for each of said regions, and outputs said message in accordance with the comparison result for each of said regions.--

**Claim 2:** is cancelled.

**Claim 13, line 12:** "result." has been replaced with --result, wherein said workless state is a state where an automatic deceleration function is engaged.--

**Claim 14:** is cancelled.

**Claim 16, line 8:** “result.” has been replaced with –result, wherein a plurality of regions are set in a range of possible variation of said prescribed state value; said part configured for setting sets said target value for each of said regions; and said control part compares said frequency distribution with said target value, for each of said regions, and outputs said message in accordance with the comparison result for each of said regions.--

**Claim 17, line 9:** “result.” has been replaced with --result, wherein said workless state is a state where an automatic deceleration function is engaged.--

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RODNEY KING whose telephone number is (571) 270-7823. The examiner can normally be reached on 7:30am - 5:00pm Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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